

109TH CONGRESS
1ST SESSION

S. 1261

To simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2005

Mr. ALEXANDER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Higher Education Sim-
5 plification and Deregulation Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

TITLE I—SIMPLIFICATION OF ACCESS TO FINANCIAL AID AND
ACCESS TO INFORMATION ON COLLEGE COSTS

Subtitle A—Simplification of the Free Application for Federal Student Aid
(FAFSA)

- Sec. 111. Simplifying forms and regulations.
- Sec. 112. System of early financial aid information.
- Sec. 113. Simplification for students with special circumstances.
- Sec. 114. Simplifying the verification process.

Subtitle B—Year-Round Federal Pell Grants and Flexible Loans for Year
Round Study

- Sec. 121. Year-round Federal Pell Grants.
- Sec. 122. Flexible loan limits for year-round study.

Subtitle C—College Best Buys

- Sec. 131. College best buys.

Subtitle D—Graduate Education Programs

- Sec. 141. Graduate education programs.

Subtitle E—Voter Registration Dissemination Clarification

- Sec. 151. Voter registration dissemination clarification.

TITLE II—MORE LEARNING, LESS REPORTING

- Sec. 201. Findings.

Subtitle A—Expert Panel To Review Regulations

- Sec. 211. Review of regulations.

Subtitle B—One Size Does Not Fit All for Industry and Academic
Regulations

- Sec. 221. Different standards for industry and academic regulations.

Subtitle C—Accelerating Negotiated Rulemaking

- Sec. 231. Negotiated rulemaking.

Subtitle D—Compliance and Master Calendars

- Sec. 241. Compliance and master calendars.

Subtitle E—Ownership of Nonprofit Institutions

- Sec. 251. Ownership of nonprofit institutions.

Subtitle F—Disbursement of Student Loans

- Sec. 261. Renewal of expired provisions.

TITLE III—ELIMINATION OF CERTAIN REPORTING
REQUIREMENTS

Sec. 301. Disclosures of foreign gifts.

1 SEC. 3. REFERENCES.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Higher Education Act of
7 1965 (20 U.S.C. 1001 et seq.).

8 TITLE I—SIMPLIFICATION OF
9 ACCESS TO FINANCIAL AID
10 AND ACCESS TO INFORMA-
11 TION ON COLLEGE COSTS

12 Subtitle A—Simplification of the
13 Free Application for Federal
14 Student Aid (FAFSA)

15 SEC. 111. SIMPLIFYING FORMS AND REGULATIONS.

16 (a) COMMON FINANCIAL AID FORM DEVELOPMENT
17 AND PROCESSING.—Section 483 (20 U.S.C. 1090) is
18 amended—

19 (1) in subsection (a)—

20 (A) by striking paragraphs (1), (2), and

21 (5);

1 (B) by redesignating paragraphs (3), (4),
2 (6), and (7), as paragraphs (9), (10), (11), and
3 (12), respectively;

4 (C) by inserting before paragraph (9), as
5 redesignated by subparagraph (B), the fol-
6 lowing:

7 “(1) IN GENERAL.—The Secretary, in coopera-
8 tion with representatives of agencies and organiza-
9 tions involved in student financial assistance, shall
10 produce, distribute, and process free of charge com-
11 mon financial reporting forms as described in this
12 subsection to be used for application and reapplica-
13 tion to determine the need and eligibility of a stu-
14 dent for financial assistance under parts A through
15 E (other than subpart 4 of part A). These forms
16 shall be made available to applicants in both paper
17 and electronic formats and shall be referred to (ex-
18 cept as otherwise provided in this subsection) as the
19 ‘Free Application for Federal Student Aid’.

20 “(2) EARLY ESTIMATES.—The Secretary shall
21 permit an applicant to complete a form described in
22 this subsection in the years prior to enrollment in
23 order to obtain from the Secretary an estimate of
24 the family contribution, as defined in section 473.
25 Such applicant shall be permitted to update informa-

tion submitted on a form described in this subsection using the process required under paragraph (5).

“(3) PAPER FORMAT.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

“(B) EZ FAFSA.—

“(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the ‘EZ FAFSA’, to be used for applicants meeting the requirements under section 479(c).

“(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

“(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except the Secretary shall not include a State’s data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

“(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

“(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

“(C) PHASING OUT THE PAPER FORM FOR STUDENTS WHO DO NOT MEET THE REQUIREMENTS OF THE EZ FAFSA.—

“(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (4).

1 “(ii) PHASEOUT OF FULL FAFSA.—
2 Not later than 5 years after the date of en-
3 actment of the Higher Education Sim-
4 plification and Deregulation Act of 2005,
5 to the extent practicable, the Secretary
6 shall phase out the long paper form cre-
7 ated under subparagraph (A) and used by
8 applicants who do not meet the require-
9 ments under section 479(c).

10 “(iii) MAINTENANCE OF THE FAFSA
11 IN A PRINTABLE ELECTRONIC FILE.—The
12 Secretary shall maintain a version of the
13 paper forms described in subparagraphs
14 (A) and (B) in a printable electronic file
15 that is easily portable. The printable elec-
16 tronic file shall be made easily accessible
17 and downloadable to students on the same
18 website used to provide students with the
19 electronic application forms described in
20 paragraph (4). The Secretary shall enable
21 students to submit a form described in this
22 paragraph that is downloaded and printed
23 from an electronic file format in order to
24 meet the filing requirements of this section

1 and in order to receive aid from programs
2 under this title.

3 “(iv) REPORTING REQUIREMENT.—

4 The Secretary shall report annually to
5 Congress on the impact of the digital di-
6 vide on students completing applications
7 for aid under this title using the forms de-
8 scribed under this paragraph and para-
9 graph (4). The Secretary shall also report
10 on the steps taken to eliminate the digital
11 divide and phase out the long paper form
12 described in subparagraph (A). The Sec-
13 retary’s report shall specifically address
14 the impact of the digital divide on inde-
15 pendent students, adults, and dependent
16 students, and students meeting the re-
17 quirements of subsection (b) or (c) of sec-
18 tion 479.

19 “(4) ELECTRONIC FORMAT.—

20 “(A) IN GENERAL.—The Secretary shall
21 produce, distribute, and process common forms
22 in electronic format to meet the requirements of
23 paragraph (1). The Secretary shall develop
24 common electronic forms for applicants who do
25 not meet the requirements of subparagraph

1 (B). The Secretary shall include on the common
2 electronic forms space for information that
3 needs to be submitted from the applicant to be
4 eligible for State financial assistance, as pro-
5 vided under paragraph (6), except the Secretary
6 shall not require applicants to complete data re-
7 quired by any State other than the applicant's
8 State of residence.

9 “(B) SIMPLIFIED ELECTRONIC APPLICA-
10 TIONS.—

11 “(i) IN GENERAL.—The Secretary
12 shall develop and use a simplified elec-
13 tronic application form to be used by appli-
14 cants meeting the requirements under sec-
15 tion 479(c) and an additional, separate
16 simplified electronic application form to be
17 used by applicants meeting the require-
18 ments under section 479(b).

19 “(ii) REDUCED DATA REQUIRE-
20 MENTS.—The simplified electronic applica-
21 tion forms shall permit an applicant to
22 submit for financial assistance purposes,
23 only the data elements required to make a
24 determination of whether the applicant

1 meets the requirements under subsection
2 (b) or (c) of section 479.

3 “(iii) STATE DATA.—The Secretary
4 shall include on the simplified electronic
5 application forms such data items as may
6 be necessary to award State financial as-
7 sistance, as provided under paragraph (6),
8 except the Secretary shall not require ap-
9 plicants to complete data required by any
10 State other than the applicant’s State of
11 residence and shall not include a State’s
12 data if such State does not permit its ap-
13 plicants for State assistance to use the
14 simplified electronic application form de-
15 scribed in this subparagraph.

16 “(iv) FREE AVAILABILITY AND PROC-
17 ESSING.—The provisions of paragraph (7)
18 shall apply to the simplified electronic ap-
19 plication forms, and the data collected by
20 means of the simplified electronic applica-
21 tion forms shall be available to institutions
22 of higher education, guaranty agencies,
23 and States in accordance with paragraph
24 (9).

1 “(v) TESTING.—The Secretary shall
2 conduct appropriate field testing on the
3 forms developed under this subparagraph.

4 “(C) USE OF FORMS.—Nothing in this
5 subsection shall be construed to prohibit the use
6 of the forms developed by the Secretary pursu-
7 ant to this paragraph by an eligible institution,
8 eligible lender, guaranty agency, State grant
9 agency, private computer software provider, a
10 consortium of such entities, or such other entity
11 as the Secretary may designate.

12 “(D) PRIVACY.—The Secretary shall en-
13 sure that data collection under this paragraph
14 complies with section 552a of title 5, United
15 States Code, and that any entity using the elec-
16 tronic version of the forms developed by the
17 Secretary pursuant to this paragraph shall
18 maintain reasonable and appropriate adminis-
19 trative, technical, and physical safeguards to
20 ensure the integrity and confidentiality of the
21 information, and to protect against security
22 threats, or unauthorized uses or disclosures of
23 the information provided on the electronic
24 version of the forms. Data collected by such
25 electronic version of the forms shall be used

1 only for the application, award, and administra-
2 tion of aid awarded under this title, State aid,
3 or aid awarded by eligible institutions or such
4 entities as the Secretary may designate. No
5 data collected by such electronic version of the
6 forms shall be used for making final aid awards
7 under this title until such data have been proc-
8 essed by the Secretary or a contractor or des-
9 ignee of the Secretary, except as may be per-
10 mitted under this title.

11 “(E) SIGNATURE.—Notwithstanding any
12 other provision of this Act, the Secretary may
13 permit an electronic form under this paragraph
14 to be submitted without a signature, if a signa-
15 ture is subsequently submitted by the applicant
16 or if the applicant uses a personal identification
17 number provided by the Secretary under sub-
18 paragraph (F).

19 “(F) PERSONAL IDENTIFICATION NUM-
20 BERS AUTHORIZED.—The Secretary is author-
21 ized to assign to applicants personal identifica-
22 tion numbers—

23 “(i) to enable the applicants to use
24 such numbers in lieu of a signature for

1 purposes of completing a form under this
 2 paragraph; and

3 “(ii) for any purpose determined by
 4 the Secretary to enable the Secretary to
 5 carry out this title.

6 “(5) STREAMLINED REAPPLICATION PROC-
 7 ESS.—

8 “(A) IN GENERAL.—The Secretary shall
 9 develop streamlined reapplication forms and
 10 processes, including both paper and electronic
 11 reapplication processes, consistent with the re-
 12 quirements of this subsection, for an applicant
 13 who applies for financial assistance under this
 14 title in the next succeeding academic year sub-
 15 sequent to the academic year in which such ap-
 16 plicant first applied for financial assistance
 17 under this title.

18 “(B) MECHANISMS FOR REAPPLICATION.—
 19 The Secretary shall develop appropriate mecha-
 20 nisms to support reapplication.

21 “(C) IDENTIFICATION OF UPDATED
 22 DATA.—The Secretary shall determine, in co-
 23 operation with States, institutions of higher
 24 education, and agencies and organizations in-
 25 volved in student financial assistance, the data

1 elements that can be updated from the previous
2 academic year's application.

3 “(D) REDUCED DATA AUTHORIZED.—
4 Nothing in this title shall be construed as lim-
5 iting the authority of the Secretary to reduce
6 the number of data elements required of re-
7 applicants.

8 “(E) ZERO FAMILY CONTRIBUTION.—Ap-
9 plicants determined to have a zero family con-
10 tribution pursuant to section 479(c) shall not
11 be required to provide any financial data in a
12 reapplication form, except that which is nec-
13 essary to determine eligibility under such sec-
14 tion.

15 “(6) STATE REQUIREMENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 paragraphs (3)(B)(iii), (4)(A), and (4)(B)(iii),
18 the Secretary shall include on the forms devel-
19 oped under this subsection, such State-specific
20 data items as the Secretary determines are nec-
21 essary to meet State requirements for need-
22 based State aid. Such items shall be selected in
23 consultation with State agencies in order to as-
24 sist in the awarding of State financial assist-
25 ance in accordance with the terms of this sub-

1 section, except as provided in paragraphs
2 (3)(B)(iii), (4)(A), and (4)(B)(iii). The number
3 of such data items shall not be less than the
4 number included on the form on October 7,
5 1998, unless States notify the Secretary that
6 they no longer require those data items for the
7 distribution of State need-based aid.

8 “(B) ANNUAL REVIEW.—The Secretary
9 shall conduct an annual review process to deter-
10 mine which forms and data items the States re-
11 quire to award need-based State aid and other
12 application requirements that the States may
13 impose.

14 “(C) ENCOURAGE USE OF FORMS.—The
15 Secretary shall encourage States to take such
16 steps as necessary to encourage the use of sim-
17 plified application forms, including those de-
18 scribed in paragraphs (3)(B) and (4)(B), for
19 applicants who meet the requirements under
20 subsection (b) or (c) of section 479.

21 “(D) FEDERAL REGISTER NOTICE.—The
22 Secretary shall publish on an annual basis a no-
23 tice in the Federal Register requiring a State
24 agency to inform the Secretary—

1 “(i) if the agency is unable to permit
 2 applicants to utilize the simplified applica-
 3 tion forms described in paragraph (3)(B)
 4 or (4)(B); and

5 “(ii) of the State-specific data that
 6 the State agency requires for delivery of
 7 State need-based financial aid.

8 “(E) STATE NOTIFICATION TO THE SEC-
 9 RETARY.—

10 “(i) IN GENERAL.—Each State agency
 11 shall notify the Secretary—

12 “(I) whether the State permits
 13 an applicant to file a form described
 14 in paragraph (3)(B) or (4)(B) for
 15 purposes of determining eligibility for
 16 State need-based financial aid; and

17 “(II) of the State-specific data
 18 that the State agency requires for de-
 19 livery of State need-based financial
 20 aid.

21 “(ii) ACCEPTANCE OF FORMS.—In the
 22 event that a State does not permit an ap-
 23 plicant to file a form described in para-
 24 graph (3)(B) or (4)(B) for purposes of de-

termining eligibility for State need-based financial aid—

“(I) the State shall notify the Secretary if it is not permitted to do so because of either State law or because of agency policy; and

“(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and (4)(B).

“(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

“(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and (4)(B); and

“(II) not require any resident of such State to complete any data previously required by that State under this section.

1 “(7) CHARGES TO STUDENTS AND PARENTS
2 FOR USE OF FORMS PROHIBITED.—The common fi-
3 nancial reporting forms prescribed by the Secretary
4 under this subsection shall be produced, distributed,
5 and processed by the Secretary and no parent or
6 student shall be charged a fee by the Secretary, a
7 contractor, a third-party servicer or private software
8 provider, or any other public or private entity for the
9 collection, processing, or delivery of financial aid
10 through the use of such forms. The need and eligi-
11 bility of a student for financial assistance under
12 parts A through E (other than under subpart 4 of
13 part A) may only be determined by using a form de-
14 veloped by the Secretary pursuant to this subsection.
15 No student may receive assistance under parts A
16 through E (other than under subpart 4 of part A),
17 except by use of a form developed by the Secretary
18 pursuant to this subsection. No data collected on a
19 paper or electronic form, worksheet, or other docu-
20 ment for which a fee is charged shall be used to
21 complete the form prescribed under this subsection.
22 No person, commercial entity, or other entity shall
23 request, obtain, or utilize an applicant’s Personal
24 Identification Number for purposes of submitting an
25 application on an applicant’s behalf except—

1 “(A) State agencies that have entered into
2 an agreement with the Secretary to streamline
3 applications;

4 “(B) eligible institutions; or

5 “(C) programs under this title as per-
6 mitted by the Secretary.

7 “(8) APPLICATION PROCESSING CYCLE.—The
8 Secretary shall—

9 “(A) enable students to submit forms cre-
10 ated under this subsection in order to meet the
11 filing requirements of this section and in order
12 to receive aid from programs under this title;
13 and

14 “(B) enable students to submit forms cre-
15 ated under this subsection and initiate the proc-
16 essing of such forms under this subsection, as
17 early as practicable prior to January 1 of the
18 student’s planned year of enrollment.”;

19 (D) in paragraph (10)(C)(ii), as redesign-
20 ated by subparagraph (B), by striking “sub-
21 section (b)” and inserting “paragraph (5)”; and

22 (E) by adding at the end the following:

23 “(13) EARLY APPLICATION AND AWARD DEM-
24 ONSTRATION PROGRAM.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this paragraph,
3 the Secretary shall implement an early applica-
4 tion demonstration program enabling dependent
5 students to—

6 “(i) complete applications under this
7 subsection in such students’ junior year of
8 secondary school, or in the academic year
9 that is 2 years prior to such students’ in-
10 tended year of enrollment; and

11 “(ii) be eligible to receive aid under
12 this title and such aid as may be available
13 from participants under this paragraph, in-
14 cluding State financial assistance and
15 other aid provided by participating institu-
16 tions.

17 “(B) PURPOSE.—The purpose of the dem-
18 onstration program is to measure the benefits,
19 in terms of student aspirations and plans to at-
20 tend college, and the adverse effects, in terms
21 of program costs, integrity, distribution, and
22 delivery of aid under this title, of implementing
23 an early application system for all dependent
24 students that allows dependent students to
25 apply for financial aid using information from

1 the year prior to the year prior to enrollment.
2 Additional objectives associated with implemen-
3 tation of the demonstration program are:

4 “(i) Measure the feasibility of ena-
5 bling dependent students to apply for Fed-
6 eral, State, and institutional financial aid
7 in such students’ junior year of secondary
8 school, using information from the year
9 prior to the year prior to enrollment, by
10 completing any of the application forms
11 under this subsection.

12 “(ii) Determine the feasibility, bene-
13 fits, and adverse effects of implementing a
14 data match with the Internal Revenue
15 Service, as described in subparagraph (E).

16 “(iii) Identify whether receiving final
17 financial aid awards not later than the fall
18 of the senior year provides students with
19 additional time to compete for the limited
20 resources available for State and institu-
21 tional financial aid and positively impacts
22 the college aspirations and plans of these
23 students.

1 “(iv) Measure the impact of using in-
 2 come information from the year prior to
 3 the year prior to enrollment on—

4 “(I) eligibility for financial aid
 5 under this title and for other State
 6 and institutional aid; and

7 “(II) the cost of financial aid
 8 programs under this title.

9 “(v) Effectively evaluate the benefits
 10 and adverse effects of the demonstration
 11 program on program costs, integrity, dis-
 12 tribution, and delivery of aid.

13 “(C) PARTICIPANTS.—The Secretary shall
 14 select States and institutions within these
 15 States to participate in the demonstration pro-
 16 gram that are participating in the programs
 17 under this title and that are willing to make
 18 final financial aid awards to students based on
 19 such students’ application information from the
 20 year prior to the year prior to enrollment. The
 21 Secretary shall also select as participants in the
 22 demonstration program secondary schools lo-
 23 cated in the participating States and dependent
 24 students who reside in the participating States.

1 “(D) APPLICATION PROCESS.—The Sec-
2 retary shall ensure that the following provisions
3 are included in the demonstration program:

4 “(i) Participating States and institu-
5 tions shall—

6 “(I) allow participating students
7 to apply for financial aid during such
8 students’ junior year of secondary
9 school using information from the
10 year prior to the year prior to enroll-
11 ment and all provisions available
12 under this title; and

13 “(II) award final financial aid
14 awards to participating students
15 based on the applications provided
16 under the demonstration program.

17 “(ii) Participating States and institu-
18 tions shall not require students partici-
19 pating in the demonstration program to
20 complete an additional application in the
21 year prior to enrollment in order to receive
22 State aid and any other institutional aid.

23 “(iii) Financial aid administrators at
24 participating institutions shall be allowed
25 to use such administrators’ discretion in

1 awarding financial aid to participating stu-
2 dents as outlined under sections 479A and
3 480(d).

4 “(E) DATA MATCH WITH THE INTERNAL
5 REVENUE SERVICE.—The Secretary shall in-
6 clude in the demonstration project a data match
7 with the Internal Revenue Service in order to
8 verify data provided by participating students
9 and gauge the feasibility of implementing such
10 a data match for all students applying for aid
11 under this title.

12 “(F) EVALUATION.—The Secretary shall
13 conduct a rigorous evaluation of the demonstra-
14 tion program in order to measure the program’s
15 benefits and adverse effects as indicated under
16 subparagraph (B).

17 “(G) OUTREACH.—The Secretary shall
18 make appropriate efforts in order to notify
19 States of the demonstration program. Upon de-
20 termination of which States will participate in
21 the demonstration program, the Secretary shall
22 continue to make efforts to notify institutions
23 and dependent students within such States of
24 the opportunity to participate in the demonstra-

1 tion program and of the participation require-
2 ments.

3 “(H) CONSULTATION.—The Secretary
4 shall consult with the Advisory Committee on
5 Student Financial Assistance, as established
6 under section 491, on the design and implemen-
7 tation of the demonstration program and on the
8 evaluation described in subparagraph (F).”;

9 (2) by striking subsection (b);

10 (3) by redesignating subsections (c), (d), and
11 (e) as subsections (b), (c), and (d), respectively; and

12 (4) by adding at the end the following:

13 “(e) ADDRESSING THE DIGITAL DIVIDE.—The Sec-
14 retary shall utilize savings accrued by moving more appli-
15 cants to the electronic forms described in subsection (a)(4)
16 and by phasing out the full paper form pursuant to sub-
17 section (a)(3)(C) to improve access to the electronic forms
18 described in subsection (a)(4) for applicants meeting the
19 requirements of section 479(c).”.

20 (b) MASTER CALENDAR.—Section 482(a)(1)(B) (20
21 U.S.C. 1089(a)(1)(B)) is amended to read as follows:

22 “(B) by March 1: proposed modifications,
23 updates, and notices pursuant to sections 478
24 and 483(a)(6) published in the Federal Reg-
25 ister;”.

1 **SEC. 112. SYSTEM OF EARLY FINANCIAL AID INFORMATION.**

2 Section 485 (20 U.S.C. 1092) is amended by adding
3 at the end the following:

4 “(h) **EARLY AWARENESS OF FINANCIAL AID ELIGI-**
5 **BILITY.**—

6 “(1) **IN GENERAL.**—The Secretary shall imple-
7 ment, in cooperation with States, institutions of
8 higher education, elementary schools, secondary
9 schools, early intervention and outreach programs
10 under this title, and other agencies and organiza-
11 tions involved in student financial assistance and
12 college access, a comprehensive system of early fi-
13 nancial aid information to provide students and fam-
14 ilies with early and adequate information about fi-
15 nancial aid and early estimates of such students’ fi-
16 nancial aid eligibility from multiple sources. Such
17 system shall include the activities described in para-
18 graphs (2) and (3).

19 “(2) **AVAILABILITY OF MEANS TO COMMU-**
20 **NICATE AID ELIGIBILITY.**—

21 “(A) **STUDENTS WHO RECEIVE BENE-**
22 **FITS.**—The Secretary shall—

23 “(i) make special efforts to notify stu-
24 dents who receive or are eligible to receive
25 benefits under Federal means-tested ben-
26 efit programs (including the school lunch

1 program established under the Richard B.
2 Russell National School Lunch Act (42
3 U.S.C. 1751 et seq.), the food stamp pro-
4 gram under the Food Stamp Act of 1977
5 (7 U.S.C. 2011 et seq.), and other such
6 programs as determined by the Secretary)
7 of such students' potential eligibility for a
8 maximum Federal Pell Grant under sub-
9 part 1 of part A; and

10 “(ii) disseminate informational mate-
11 rials as determined necessary.

12 “(B) MIDDLE SCHOOL STUDENTS.—The
13 Secretary shall make, in cooperation with
14 States, institutions of higher education, middle
15 schools, and programs under this title that
16 serve middle school students, special efforts to
17 notify middle school students and their parents
18 of the availability of financial aid under this
19 title and, in accordance with paragraph (3)(D),
20 of the approximate amounts of grant, work-
21 study, and loan aid that an individual would be
22 eligible for under this title upon completion and
23 verification of an application form under section
24 483(a). The Secretary shall ensure that such
25 information is accurate and that it is provided

1 in an age-appropriate format using dissemina-
2 tion mechanisms suitable for students in middle
3 school.

4 “(C) SECONDARY SCHOOL STUDENTS.—

5 The Secretary shall make, in cooperation with
6 States, institutions of higher education, sec-
7 ondary schools, and programs under this title
8 that serve secondary school students, special ef-
9 forts to notify students in secondary school and
10 their parents, as early as possible but not later
11 than such students’ junior year of secondary
12 school, of the availability of financial aid under
13 this title and, in accordance with paragraph
14 (3)(D), of the approximate amounts of grant,
15 work-study, and loan aid that an individual
16 would be eligible for under this title upon com-
17 pletion and verification of an application form
18 under section 483(a). The Secretary shall en-
19 sure that such information is accurate and that
20 it is provided in an age-appropriate format
21 using dissemination mechanisms suitable for
22 students in secondary school.

23 “(D) ADULT LEARNERS.—The Secretary

24 shall make, in cooperation with States, institu-
25 tions of higher education, and other organiza-

tions involved in student financial aid, special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with paragraph (3)(D), of the approximate amounts of grant, work-study, and loan aid that an individual would be eligible for under this title upon completion and verification of an application form under section 483(a). The Secretary shall ensure that such information—

“(i) is accurate;

“(ii) includes specific information regarding the availability of financial aid for students defined as independent students under section 480(d); and

“(iii) uses dissemination mechanisms suitable for adult learners.

“(E) PUBLIC AWARENESS CAMPAIGN.—

Not later than 3 years after the date of enactment of the Higher Education Simplification and Deregulation Act of 2005, the Secretary shall implement, in consultation with States, institutions of higher education, early intervention

and outreach programs under this title, and other agencies and organizations involved in student financial aid, a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, and radio. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies that have been found to be the most effective in implementing subparagraphs (A) through (D).

“(3) AVAILABILITY OF MEANS TO DETERMINE
APPROXIMATE FINANCIAL AID ELIGIBILITY.—

“(A) IN GENERAL.—The Secretary shall provide, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, and in accordance with subparagraph (D), both via a widely disseminated printed form and the

1 Internet or other electronic means, the capa-
2 bility for individuals to determine easily, by en-
3 tering relevant data, the approximate amounts
4 of grant, work-study, and loan aid an individual
5 would be eligible for under this title upon com-
6 pletion and verification of an application form
7 under section 483(a).

8 “(B) DATA ELEMENTS.—The Secretary
9 shall determine, in cooperation with States, in-
10 stitutions of higher education, and other agen-
11 cies and organizations involved in student fi-
12 nancial aid, the data elements that are nec-
13 essary to create a simplified form that individ-
14 uals can use to determine easily the approxi-
15 mate amounts of grant, work-study, and loan
16 aid an individual would be eligible for under
17 this title.

18 “(C) QUALIFICATION TO USE SIMPLIFIED
19 APPLICATION.—The capability provided under
20 this paragraph shall include the capability to
21 determine whether or not the individual is eligi-
22 ble to submit a simplified application form
23 under paragraph (3)(B) or (4)(B) of section
24 483(a).

1 “(D) DEMONSTRATION PROGRAM TO IM-
2 PROVE EARLY FINANCIAL AID INFORMATION.—

3 “(i) IN GENERAL.—The Secretary
4 shall develop, in cooperation with States,
5 institutions of higher education, and early
6 intervention and outreach programs under
7 this title, a comprehensive demonstration
8 program to determine—

9 “(I) the feasibility of providing
10 individuals with accurate estimates of
11 the approximate amount of State and
12 institutional aid, including from pro-
13 grams under this title that require
14 matching contributions from States or
15 institutions of higher education, that
16 an individual would be eligible for
17 upon completion and verification of an
18 application form under section 483(a)
19 and any additional forms required by
20 a State or institution;

21 “(II) the feasibility of developing
22 a mechanism to allow an individual to
23 easily determine, by entering relevant
24 data, the estimates of State and insti-

1 tutional aid described in subclause (I);
2 and

3 “(III) whether the information
4 students receive upon completion of
5 an application form under section
6 483(a) can be improved in order to
7 positively influence student enrollment
8 in higher education without adverse
9 effects on States or institutions of
10 higher education.

11 “(ii) CONSULTATION.—In designing
12 and implementing the demonstration pro-
13 gram under clause (i), the Secretary shall
14 consult with the Advisory Committee on
15 Student Financial Assistance, established
16 under section 491.

17 “(iii) REPORT.—Not later than 3
18 years after the date of enactment of the
19 Higher Education Simplification and De-
20 regulation Act of 2005, the Secretary shall
21 submit a report to the Committee on
22 Health, Education, Labor, and Pensions of
23 the Senate and the Committee on Edu-
24 cation and the Workforce of the House of
25 Representatives, describing—

1 “(I) the results of the demonstra-
 2 tion program under this subpara-
 3 graph; and

4 “(II) any proposed statutory or
 5 regulatory changes resulting from car-
 6 rying out the demonstration pro-
 7 gram.”.

8 **SEC. 113. SIMPLIFICATION FOR STUDENTS WITH SPECIAL**
 9 **CIRCUMSTANCES.**

10 (a) SIMPLIFYING FOR STUDENTS WITH SPECIAL
 11 CIRCUMSTANCES.—Section 480(d) (20 U.S.C. 1087vv(d))
 12 is amended to read as follows:

13 “(d) INDEPENDENT STUDENT.—

14 “(1) DEFINITION.—The term ‘independent’,
 15 when used with respect to a student, means any in-
 16 dividual who—

17 “(A) is 24 years of age or older by Decem-
 18 ber 31 of the award year;

19 “(B) is an orphan, in foster care, or a
 20 ward of the court, or was in foster care or a
 21 ward of the court until the individual reached
 22 the age of 18;

23 “(C) is a veteran of the Armed Forces of
 24 the United States (as defined in subsection
 25 (c)(1));

1 “(D) is a graduate or professional student;

2 “(E) is a married individual;

3 “(F) has legal dependents other than a
4 spouse;

5 “(G) is a student for whom a financial aid
6 administrator makes a documented determina-
7 tion of independence by reason of unusual cir-
8 cumstances; or

9 “(H) is a member of the Armed Forces on
10 active duty (as that term is defined in the first
11 sentence of section 101(d)(1) of title 10, United
12 States Code) or is a member of the National
13 Guard performing full-time State active duty
14 service.

15 “(2) SIMPLIFYING THE DEPENDENCY OVER-
16 RIDE PROCESS.—Nothing in this section shall pro-
17 hibit a financial aid administrator from making a
18 determination of independence, as described in para-
19 graph (1)(G), based upon a documented determina-
20 tion of independence, as described in paragraph
21 (1)(G), previously made by another financial aid ad-
22 ministrator in the same application year.”.

23 (b) TAILORING ELECTRONIC APPLICATIONS FOR
24 STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section

1 483(a) (20 U.S.C. 1090(a)), as amended by section 111,
 2 is further amended by adding at the end the following:

3 “(14) APPLICATIONS FOR STUDENTS SEEKING
 4 A DOCUMENTED DETERMINATION OF INDEPEND-
 5 ENCE.—In the case of a dependent student seeking
 6 a documented determination of independence by a fi-
 7 nancial aid administrator, as described in section
 8 480(d), nothing in this section shall prohibit the
 9 Secretary from—

10 “(A) allowing such student to—

11 “(i) indicate the student’s unusual cir-
 12 cumstance and the student’s request for a
 13 documented determination of independence
 14 on an electronic form developed pursuant
 15 to this section; and

16 “(ii) submit such a form for prelimi-
 17 nary processing with only the data re-
 18 quired for an independent student, as de-
 19 fined in section 480(d);

20 “(B) collecting and processing on a pre-
 21 liminary basis data provided by such student
 22 using the electronic forms developed pursuant
 23 to this section; and

24 “(C) distributing such data to institutions
 25 of higher education, guaranty agencies, and

1 States for the purposes of processing loan appli-
 2 cations and determining need and eligibility for
 3 institutional and State financial aid awards on
 4 a preliminary basis, pending a documented de-
 5 termination of independence by a financial aid
 6 administrator.”.

7 **SEC. 114. SIMPLIFYING THE VERIFICATION PROCESS.**

8 Section 484 (20 U.S.C. 1091) is amended by adding
 9 at the end the following:

10 “(s) VERIFICATION OF STUDENT ELIGIBILITY.—

11 “(1) REVIEW.—The Secretary shall review all
 12 Departmental regulations related to verifying the in-
 13 formation provided on a student’s financial aid ap-
 14 plication in order to simplify the verification process
 15 for students and institutions.

16 “(2) REPORT.—The Secretary shall, not later
 17 than 2 years after the date of enactment of the
 18 Higher Education Simplification and Deregulation
 19 Act of 2005, prepare and submit a final report to
 20 the Committee on Health, Education, Labor, and
 21 Pensions of the Senate and the Committee on Edu-
 22 cation and the Workforce of the House of Rep-
 23 resentatives on steps taken, to the extent prac-
 24 ticable, to simplify the verification process. The re-
 25 port shall specifically address steps taken to—

1 “(A) reduce the burden of verification on
 2 students, particularly on students who may be
 3 selected for verification at multiple institutions;

4 “(B) reduce the number of data elements
 5 that are required to be verified for applicants
 6 meeting the requirements of subsection (b) or
 7 (c) of section 479 so that only those data ele-
 8 ments required to determine eligibility for the
 9 formulas defined in subsection (b) or (c) of sec-
 10 tion 479 are subject to verification;

11 “(C) reduce the burden and costs associ-
 12 ated with verification for institutions that are
 13 eligible to participate in Federal student aid
 14 programs under this title; and

15 “(D) increase the use of technology in the
 16 verification process.”.

17 **Subtitle B—Year-Round Federal**
 18 **Pell Grants and Flexible Loans**
 19 **for Year Round Study**

20 **SEC. 121. YEAR-ROUND FEDERAL PELL GRANTS.**

21 Section 401(b)(6) of the Higher Education Act
 22 of 1965 (20 U.S.C. 1070a(b)(6)) is amended to read
 23 as follows:

24 “(6) The Secretary shall, for students enrolled
 25 full-time in an associate or baccalaureate degree pro-

1 gram of study at an eligible institution, award such
 2 students 2 Federal Pell Grants during a single
 3 award year to permit such students to accelerate
 4 progress toward their degree objectives by enrolling
 5 in academic programs for more than 9 months of an
 6 academic year.”.

7 **SEC. 122. FLEXIBLE LOAN LIMITS FOR YEAR-ROUND STUDY.**

8 (a) FEDERAL INSURANCE LIMITS.—

9 (1) ANNUAL LIMITS.—Section 425(a)(1) (20
 10 U.S.C. 1075(a)(1)) is amended by adding at the end
 11 the following:

12 “(D) Notwithstanding subparagraph (A), the
 13 total of loans made to a student in any academic
 14 year or its equivalent (as determined by the Sec-
 15 retary) which may be covered by Federal loan insur-
 16 ance under this part may exceed the annual limits
 17 contained in clauses (i), (ii), (iii), and (iv) of sub-
 18 paragraph (A), if—

19 “(i) the student is enrolled in academic
 20 programs for more than 9 months of an aca-
 21 demic year; and

22 “(ii) the aggregate insured unpaid prin-
 23 cipal amount for all such insured loans made to
 24 the student does not exceed the aggregate limits
 25 described in paragraph (2).”.

1 (2) AGGREGATE LIMITS.—Section 425(a)(2)
 2 (20 U.S.C. 1075(a)(2)) is amended by adding at the
 3 end the following:

4 “(C)(i) Notwithstanding subparagraph (A)(ii),
 5 the aggregate insured unpaid principal amount de-
 6 scribed in subparagraph (A)(ii) for all such insured
 7 loans made to any graduate or professional student
 8 (as defined by the Secretary) shall not at any time
 9 exceed the sum of—

10 “(I) \$65,500; and

11 “(II) the amount by which—

12 “(aa) the cumulative undergraduate
 13 maximum annual limit described in clauses
 14 (i), (ii), and (iii) of paragraph (1)(A) that
 15 is applicable to the student for preceding
 16 undergraduate years; exceeds

17 “(bb) the total amount of loans made
 18 to the student and covered by Federal loan
 19 insurance under this part.

20 “(ii) The additional amounts made available to
 21 a student under clause (i) shall be made available to
 22 the student in equal amounts over the course of the
 23 student’s graduate or professional program of
 24 study.”.

25 (b) GUARANTEE LIMITS.—

1 (1) ANNUAL LIMITS.—The matter following
 2 subclause (II) of section 428(b)(1)(A)(vi) (20 U.S.C.
 3 1078(b)(1)(A)(vi)) is amended—

4 (A) by striking the semicolon and inserting
 5 ”, and”; and

6 (B) by adding at the end the following:
 7 “except that notwithstanding any other provision of
 8 this subparagraph, the total of loans made to a stu-
 9 dent in any academic year or its equivalent (as de-
 10 termined by the Secretary) which may be covered by
 11 Federal loan insurance under this part may exceed
 12 the annual limits contained in clauses (i), (ii), (iii),
 13 (iv), (v), and (vi), if the student is enrolled in aca-
 14 demic programs for more than 9 months of an aca-
 15 demic year and the aggregate insured unpaid prin-
 16 cipal amount for all such insured loans made to the
 17 student does not exceed the aggregate limits de-
 18 scribed in subparagraph (B);”.

19 (2) AGGREGATE LIMITS.—Section 428(b)(1)(B)
 20 (20 U.S.C. 1078(b)(1)(B)) is amended—

21 (A) in clause (i), by striking “and” after
 22 the semicolon;

23 (B) in clause (ii), by striking “428B,” and
 24 inserting “428B; and”; and

(C) by inserting before the matter following clause (ii) the following:

“(iii) in the case of a graduate or professional student (as defined by the Secretary) and notwithstanding clause (ii), the sum of (I) \$65,500 and (II) the amount by which the cumulative undergraduate maximum annual limit described in clauses (i), (ii), (iii), (iv), (v), and (vi) of subparagraph (A) that is applicable to the student for preceding undergraduate years, exceeds the total amount of loans made to the student and covered by Federal loan insurance under this part, which amount described in subclause (II) of this clause shall be made available to the student in equal amounts over the course of the student’s graduate or professional program of study,”.

Subtitle C—College Best Buys

SEC. 131. COLLEGE BEST BUYS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

1 **“SEC. 132. COLLEGE BEST BUYS.**

2 “(a) LIST PUBLISHED.—The Secretary shall annu-
3 ally publish in the Federal Register a list of the top 200
4 institutions of higher education, for each sector described
5 in subsection (c)(2), that are the best buy for the academic
6 year in order to help students decipher institutional ex-
7 pense and financial aid data.

8 “(b) REQUIREMENTS.—In publishing the list de-
9 scribed in subsection (a), the Secretary—

10 “(1) shall only use the most recent data avail-
11 able to the Secretary from the National Center for
12 Education Statistics; and

13 “(2) shall publish the data in a user friendly
14 manner.

15 “(c) CONTENTS.—

16 “(1) CONTENTS.—The list described in sub-
17 section (a) shall identify, for each sector described in
18 paragraph (2), the following:

19 “(A) The 200 institutions of higher edu-
20 cation with the lowest tuition and required fees.

21 “(B) The 200 institutions of higher edu-
22 cation with the lowest cost of attendance.

23 “(C) The 200 institutions of higher edu-
24 cation with the largest percentage of incoming
25 full-time students who receive financial aid.

1 “(D) The 200 institutions of higher edu-
2 cation with the largest average amount of in-
3 coming full-time student financial aid on a per
4 student basis.

5 “(E) The 200 institutions of higher edu-
6 cation with the largest percentage of students
7 who receive institutional grants and scholar-
8 ships.

9 “(F) The 200 institutions of higher edu-
10 cation with the slowest percentage increase in
11 tuition and required fees during the preceding
12 5 years.

13 “(G) The 200 institutions of higher edu-
14 cation with the slowest percentage increase in
15 total cost of attendance during the preceding 5
16 years.

17 “(2) SECTORS.—The sectors referred to in
18 paragraph (1) are as follows:

19 “(A) 4-year public, degree-granting, insti-
20 tutions of higher education.

21 “(B) 2-year public, degree-granting, insti-
22 tutions of higher education.

23 “(C) 4-year, nonprofit, private, degree-
24 granting, institutions of higher education.

1 “(D) 2-year, nonprofit, private, degree-
2 granting, institutions of higher education.

3 “(E) 4-year, for-profit, private, degree-
4 granting, institutions of higher education.

5 “(F) 2-year, for-profit, private, degree-
6 granting, institutions of higher education.

7 “(G) Public, non-degree-granting, institu-
8 tions of higher education.

9 “(H) Private, nonprofit, non-degree-grant-
10 ing, institutions of higher education.

11 “(I) Private, for-profit, non-degree-grant-
12 ing, institutions of higher education.

13 “(d) DATE.—The list described in this section shall
14 be published on June 1, 2006, and each June 1 there-
15 after.”.

16 **Subtitle D—Graduate Education** 17 **Programs**

18 **SEC. 141. GRADUATE EDUCATION PROGRAMS.**

19 (a) JAVITS FELLOWSHIPS.—Section 701(a) (20
20 U.S.C. 1134(a)) is amended by striking “financial need,”.

21 (b) JAVITS STIPENDS.—Section 703(a) (20 U.S.C.
22 1134b(a)) is amended by striking “, except” and all that
23 follows through “title IV”.

24 (c) GRADUATE ASSISTANCE APPLICATIONS.—Section
25 713(b)(5) (20 U.S.C. 1135b(b)(5)) is amended—

- 1 (1) by striking subparagraph (A); and
 2 (2) by redesignating subparagraphs (B) and
 3 (C) as subparagraphs (A) and (B), respectively.
 4 (d) GRADUATE ASSISTANCE STIPENDS.—Section
 5 714(b) (20 U.S.C. 1135c(b)) is amended by striking “,
 6 except” and all that follows through “title IV”.

7 **Subtitle E—Voter Registration** 8 **Dissemination Clarification**

9 **SEC. 151. VOTER REGISTRATION DISSEMINATION CLARI-** 10 **FICATION.**

11 Section 487(a)(23) (20 U.S.C. 1094(a)(23)) is
 12 amended by adding at the end the following:

13 “(D) An institution shall be considered in com-
 14 pliance with the requirements of subparagraph (A)
 15 for any student to whom the institution electroni-
 16 cally transmits a message containing a voter reg-
 17 istration form acceptable for use in the State in
 18 which the institution is located, or an Internet ad-
 19 dress where such a form can be downloaded, if such
 20 information is in an electronic message devoted sole-
 21 ly to voter registration.”.

22 **TITLE II—MORE LEARNING,** 23 **LESS REPORTING**

24 **SEC. 201. FINDINGS.**

25 Congress makes the following findings:

1 (1) Institutions of higher education are among
2 the most heavily regulated entities in the United
3 States.

4 (2) With the exception of the Consumer Prod-
5 uct Safety Commission and the Federal Trade Com-
6 mission, all Federal agencies are involved in regu-
7 lating some aspect of higher education.

8 (3) There are more than 7,000 regulations as-
9 sociated with the student aid programs under title
10 IV of the Higher Education Act of 1965 (20 U.S.C.
11 1070 et seq.).

12 **Subtitle A—Expert Panel To** 13 **Review Regulations**

14 **SEC. 211. REVIEW OF REGULATIONS.**

15 Section 498B (20 U.S.C. 1099c–2) is amended to
16 read as follows:

17 **“SEC. 498B. REVIEW OF REGULATIONS.**

18 “(a) REVIEW REQUIRED.—The Secretary shall re-
19 view each regulation issued under this title that is in effect
20 at the time of the review and applies to the operations
21 or activities of any participant in the programs assisted
22 under this title. The review shall include a determination
23 of whether the regulation is duplicative, is no longer nec-
24 essary, is inconsistent with other Federal requirements, is
25 easily understood, is feasible, is cost effective, is narrowly

1 tailored, and is based on an assessment of risk. The review
 2 may involve 1 or more of the following:

3 “(1) An assurance of the uniformity of inter-
 4 pretation and application of such regulations.

5 “(2) The establishment of a process for ensur-
 6 ing that eligibility and compliance issues, such as in-
 7 stitutional audit, program review, and recertification,
 8 are considered simultaneously.

9 “(3) A determination of the extent to which un-
 10 necessary costs are imposed on institutions of higher
 11 education as a consequence of the applicability to
 12 the facilities and equipment of such institutions of
 13 regulations prescribed for purposes of regulating in-
 14 dustrial and commercial enterprises.

15 “(b) REGULATORY AND STATUTORY RELIEF FOR
 16 SMALL VOLUME INSTITUTIONS.—The Secretary shall re-
 17 view and evaluate ways in which regulations under and
 18 provisions of this Act affecting institutions of higher edu-
 19 cation (other than institutions described in section
 20 102(a)(1)(C)), that have received in each of the 2 most
 21 recent award years prior to the date of enactment of the
 22 Higher Education Simplification and Deregulation Act of
 23 2005 less than \$200,000 in funds through this title, may
 24 be improved, streamlined, or eliminated.

1 “(c) CONSULTATION.—In carrying out subsections
 2 (a) and (b), the Secretary shall consult with relevant rep-
 3 resentatives of institutions of higher education partici-
 4 pating in the programs authorized by this title, as follows:

5 “(1) PANELS.—The Secretary shall convene not
 6 less than 4 review panels of representatives of the
 7 groups involved in student financial assistance pro-
 8 grams under this title to provide advice and rec-
 9 ommendations on the regulations under this title re-
 10 lated to the areas of—

11 “(A) the operations of the financial assist-
 12 ance programs;

13 “(B) the institutional eligibility require-
 14 ments for the financial assistance programs;

15 “(C) regulations not directly related to the
 16 operations or the institutional eligibility require-
 17 ments of the financial assistance programs; and

18 “(D) regulations for dissemination of in-
 19 formation to students about the financial assist-
 20 ance programs.

21 “(2) NOMINATIONS.—The Secretary shall seek
 22 nominations for individuals with expertise in each
 23 area described in subparagraphs (A) through (D) of
 24 paragraph (1) to serve on a panel for that area.

1 “(3) GOALS AND RECOMMENDATIONS.—Each
2 panel shall identify the goals to be achieved by the
3 regulations applicable to the appropriate area and
4 shall recommend appropriate alternatives identified
5 as the most effective and efficient means to achieve
6 the goals with minimal burden and cost.

7 “(d) REPORTS TO CONGRESS.—

8 “(1) IN GENERAL.—The Secretary shall submit,
9 not later than 2 years after the date of enactment
10 of the Higher Education Simplification and Deregulation
11 Act of 2005, a report to the Committee on
12 Health, Education, Labor, and Pensions of the Senate
13 and the Committee on Education and the Workforce
14 of the House of Representatives detailing the
15 Secretary’s findings and recommendations based on
16 the reviews conducted under subsections (a) and (b),
17 including a timetable for implementation of any recommended
18 changes in regulations and a description
19 of any recommendations for legislative changes.

20 “(2) ADDITIONAL REPORTS.—Not later than
21 January 1, 2009, the Secretary shall submit a report
22 to the Committee on Health, Education, Labor,
23 and Pensions of the Senate and the Committee on
24 Education and the Workforce of the House of Representatives
25 detailing the Secretary’s findings and

1 recommendations based on the review conducted
2 under subsection (a), including a timetable for im-
3 plementation of any recommended changes in regu-
4 lations and a description of any recommendations
5 for legislative changes.”.

6 **Subtitle B—One Size Does Not Fit**
7 **All for Industry and Academic**
8 **Regulations**

9 **SEC. 221. DIFFERENT STANDARDS FOR INDUSTRY AND ACA-**
10 **DEMIC REGULATIONS.**

11 (a) DEVELOPMENT OF STANDARDS.—The Secretary
12 of Education shall award a grant to the National Research
13 Council to enable the National Research Council to de-
14 velop different standards, in environmental, health, and
15 safety areas, for the regulation of—

- 16 (1) industrial facilities; and
17 (2) research and teaching laboratories and fa-
18 cilities at institutions of higher education.

19 (b) REPORT.—The National Research Council shall
20 report to Congress regarding the different standards de-
21 veloped under subsection (a). Such report shall contain
22 recommendations for statutory or regulatory changes
23 needed to implement the different standards described in
24 subsection (a).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$500,000 for fiscal year 2006.

4 **Subtitle C—Accelerating** 5 **Negotiated Rulemaking**

6 **SEC. 231. NEGOTIATED RULEMAKING.**

7 Section 492(b) (20 U.S.C. 1098a(b)) is amended by
 8 adding at the end the following:

9 “(3) NEW TIMEFRAME.—Notwithstanding any
 10 other provision of this section, all negotiated rule-
 11 making described in this section that commences
 12 after the date of enactment of the Higher Education
 13 Simplification and Deregulation Act of 2005 shall be
 14 completed not later than 1 year after the date of en-
 15 actment of the provision of law for which the nego-
 16 tiated rulemaking is undertaken.”.

17 **Subtitle D—Compliance and** 18 **Master Calendars**

19 **SEC. 241. COMPLIANCE AND MASTER CALENDARS.**

20 Section 482 (20 U.S.C. 1089) is amended by adding
 21 at the end the following:

22 “(e) COMPLIANCE CALENDAR.—Prior to the begin-
 23 ning of each award year, the Secretary shall provide to
 24 eligible institutions a list of all the reports and disclosures
 25 required under this Act. The list shall include—

1 “(1) the date each report is required to be com-
 2 pleted and to be submitted, made available, or dis-
 3 seminated;

4 “(2) the required recipients of each report;

5 “(3) any required method for transmittal or
 6 dissemination;

7 “(4) a description of the content of each report
 8 sufficient to allow the institution to identify the ap-
 9 propriate individuals to be assigned the responsi-
 10 bility for such report;

11 “(5) references to the statutory authority, ap-
 12 plicable regulations, and current guidance issued by
 13 the Secretary regarding each report; and

14 “(6) any other information which is pertinent to
 15 the content or distribution of the report or disclo-
 16 sure.

17 “(f) INITIAL EFFECTIVE DATE OF NEW DISCLOSURE
 18 OR REPORTING.—

19 “(1) IN GENERAL.—For any new or revised re-
 20 quirement for institutional disclosure or reporting
 21 under this Act enacted after July 1, 2006, the pe-
 22 riod for which data shall be collected shall begin not
 23 earlier than 270 days after the publication of final
 24 regulations or guidance. The final regulations or

1 guidance shall include any required data elements or
 2 method of collection.

3 “(2) TIMING.—The Secretary shall take reason-
 4 able and appropriate steps to ensure that institu-
 5 tions have adequate time, before public disclosure or
 6 reporting to the Secretary, for the establishment of
 7 systems for the collection of the required data, for
 8 data collection and analysis, and for the preparation
 9 of the data report in the required format.”.

10 **Subtitle E—Ownership of** 11 **Nonprofit Institutions**

12 **SEC. 251. OWNERSHIP OF NONPROFIT INSTITUTIONS.**

13 (a) DEFAULT MANAGEMENT PLAN.—Section
 14 487(a)(14)(B) (20 U.S.C. 1094(a)(14)(B)) is amended by
 15 adding at the end the following: “This subparagraph shall
 16 not apply to an institution that meets the definition of
 17 an institution of higher education under section 101.”.

18 (b) ELIGIBILITY AND CERTIFICATION PROCE-
 19 DURES.—Section 498 (20 U.S.C. 1099c) is amended—

20 (1) in subsection (e), by adding at the end the
 21 following:

22 “(7) This subsection shall not apply to an institution
 23 that meets the definition of an institution of higher edu-
 24 cation under section 101.”;

1 (2) in subsection (h), by adding at the end the
2 following:

3 “(4) This subsection shall not apply to an institution
4 that meets the definition of an institution of higher edu-
5 cation under section 101.”; and

6 (3) in subsection (i), by adding at the end the
7 following:

8 “(5) This subsection shall not apply to an institution
9 that meets the definition of an institution of higher edu-
10 cation under section 101.”.

11 **Subtitle F—Disbursement of** 12 **Student Loans**

13 **SEC. 261. RENEWAL OF EXPIRED PROVISIONS.**

14 (a) AMENDMENT.—Section 422(d) of the Higher
15 Education Amendments of 1998 (20 U.S.C. 1078–7 note)
16 is amended by striking “period beginning” and all that
17 follows through the period, and inserting the following:
18 “periods—

19 “(1) beginning on October 1, 1998, and ending
20 on September 30, 2002; and

21 “(2) beginning on the date of enactment of the
22 Higher Education Simplification and Deregulation
23 Act of 2005.”.

24 (b) CLARIFICATION.—Sections 428G(a)(3) and
25 428G(b)(1) (as amended by section 422 of the Higher

1 Education Amendments of 1998) shall be effective begin-
 2 ning on the date of enactment of the Higher Education
 3 Simplification and Deregulation Act of 2005.

4 **TITLE III—ELIMINATION OF**
 5 **CERTAIN REPORTING RE-**
 6 **QUIREMENTS**

7 **SEC. 301. DISCLOSURES OF FOREIGN GIFTS.**

8 Section 117 (20 U.S.C. 1011f) is amended—

9 (1) in subsection (a), by striking “file a disclo-
 10 sure report with the Secretary” and inserting “make
 11 available to the public a disclosure report”;

12 (2) in the matter preceding paragraph (1) of
 13 subsection (b), by striking “to the Secretary”; and

14 (3) in subsection (d)—

15 (A) in paragraph (1), by striking “filed
 16 with the Secretary” and inserting “made avail-
 17 able to the public”; and

18 (B) in paragraph (2), by striking “filed
 19 with the Secretary” and inserting “made avail-
 20 able to the public”.

